

REMARKS

Claims 1-10 are pending in the present application. Claim 6 has been amended to further define the invention. No additional claims fee is believed to be due.

The Specification has been amended to correctly reference the characters. Description of Figs. 6, 7, and 8 have been removed from the Specification.

Obviousness-Type Double Patenting

The Examiner has rejected Claims 6-10 as being unpatentable over Claims 19-22, 28, and 29 of co-pending Application No 09/467,938; Claims 1-10 over Claims 21 and 23-31 of co-pending Application No. 09/584,676; Claims 6-10 over Claims 6, 7, and 9-12 of co-pending Application No. 09/886,730; and Claims 1 and 3 over Claim 1 of co-pending Application No. 09/886,828; and Claims 1-10 over Claims 1-5, 19-23, 28, and 29 of co-pending Application No. 10/149,879. Pursuant to M.P.E.P. §1490, Applicants enclose an appropriate Terminal Disclaimer compliant with 35 U.S.C. §253 and 37 C.F.R. §3.73.

Rejection under 35 USC §102

Claims 6, 7, and 10 have been rejected under 35 USC 102(b) as being anticipated by Srinivasan, U.S. Patent No. 5,567,501. Claims 6, 7, and 10 have been rejected under 35 USC 102(b) as being anticipated by Palumbo (WO 96/10979). Claims 8 and 9 have been rejected under 35 USC 103(a) as being unpatentable over Srinivasan, U.S. Patent No. 5,567,501 and over Palumbo (WO 96/10979). Applicants respectfully traverse these rejections.

Claim 6 has been amended to clarify that the elastic material is apertured in regions coincident the discrete bond sites, such that said first and second webs are joined through said apertures. As stated by the Examiner, the prior art doesn't teach that the middle layer (the elastic material) is apertured and that the outer layers are bonded together through the aperture. Therefore, Applicants assert that amended Claim 6 and dependent Claims 7-10 are not anticipated by or obvious over Srinivasan and Palumbo.

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Atty. Docket No. 8595
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Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC 102(b) and 35 USC 103(a). Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application and drawings in proper form and to distinguish the invention as now claimed from the applied references. Applicants have also included terminal disclaimers. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-10.

Respectfully submitted,
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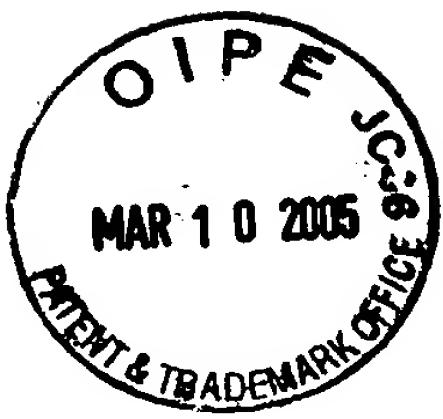
AMENDMENTS TO THE DRAWINGS

Figs. 6, 7, and 8 have been removed.

The attached sheets of drawings include amendments to Fig. 9. Character 105 is replacing character 104 for the second (lower) supply roll. The characters now correspond to the description in the specification. Character 131 is replacing character 130 which designates the nip corresponding to incremental stretching system 132. A formal replacement sheet with the corrected characters for Fig. 9 is attached.

In Fig. 10, reference character 102 has now been described in the amended specification.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes



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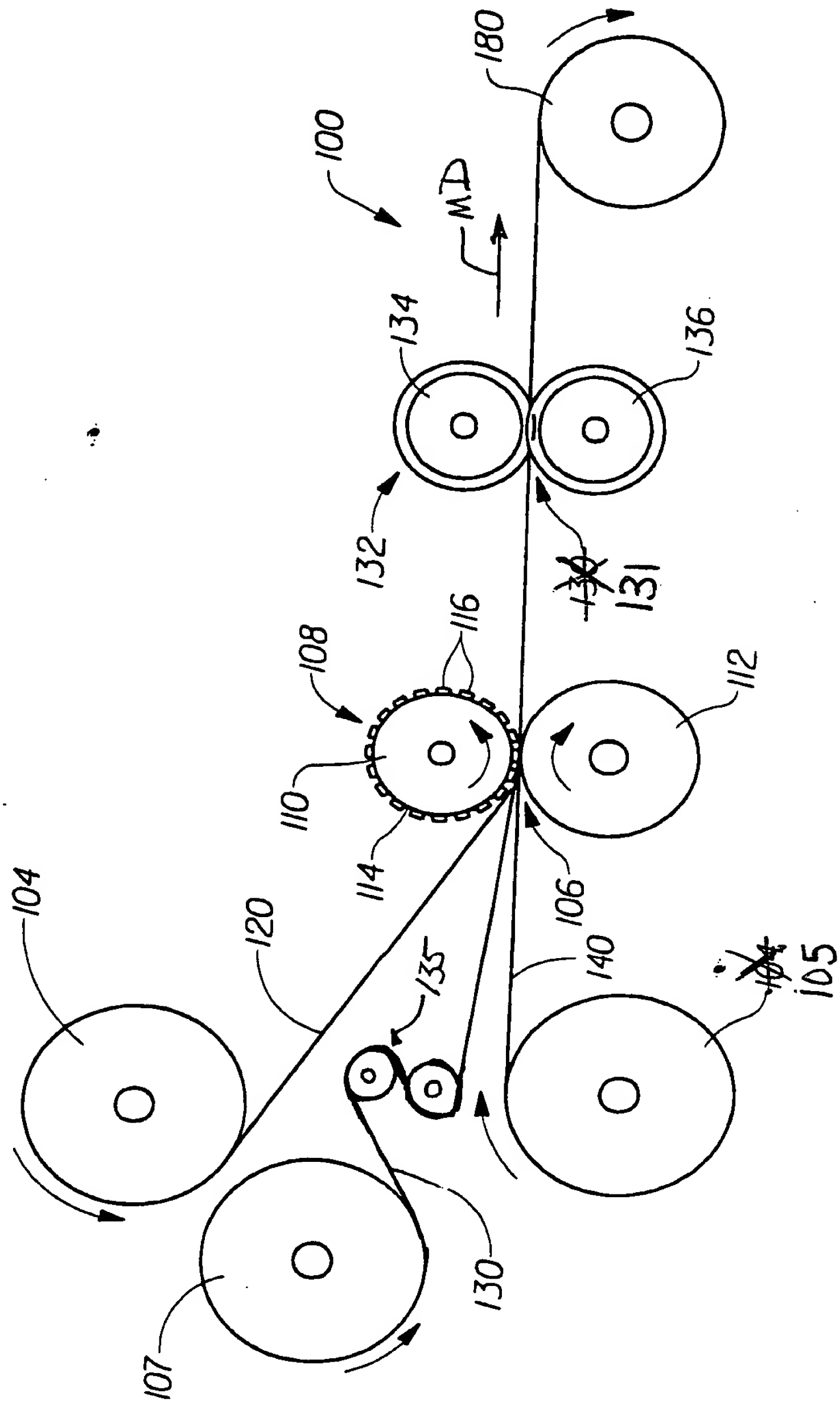


Fig. 9